



## UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Aladar A. Szalay et al. Art Unit : 1633  
Serial No. : 10/516,785 Examiner : Michael D. Burkhart  
Filed : June 27, 2005 Customer No.: 77202  
Confirm. No.: 7336

Title : LIGHT EMITTING MICROORGANISMS AND CELLS FOR DIAGNOSIS  
AND THERAPY OF DISEASES ASSOCIATED WITH WOUNDED OR  
INFLAMED TISSUE

**Mail Stop: Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN  
ACCORDANCE WITH 37 C.F.R. §§ 1.97-1.98**

Dear Sir:

Because this Supplemental Information Disclosure Statement is filed after the receipt of a First Office Action on the Merits for the above-captioned application, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 02-1818.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all information known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Forms PTO-1449 (2 pages) and copies of the cited non U.S. Patent documents are provided herewith in connection with the above-captioned application.

The documents cited on the Forms PTO-1449 are in the English language, with the exception of items noted below. Item AR (JP2000-502884) is in the Japanese language and an English equivalent (WO 97/18841) was provided in the Information Disclosure Statement filed April 18, 2006 (Item BM); Item AQ (JP2000-295987) is in the Japanese language and includes an English language translation and is provided with a Derwent Abstract (Item AY); Item BA (Japanese Journal of Clinical and Experimental Medicine) is in the Japanese language and includes a certified English translation of the abstract and summary (Item AX);

10/02/2009 JADD01 00000019 021818 10516785  
01 FC:1806 180.00 DA

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**  
"Express Mail" Mailing Label Number EM 315453544 US  
Date of Deposit September 29, 2009  
I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Christopher Ochs

Item BE (Sumii *et al.*) is in the Japanese language and includes an English language abstract on the last page of the article. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Applicant also makes known to the Examiner the following U.S. and international applications, which are commonly owned and/or have one or more inventors in common.

<u>Docket No.</u>	<u>Application No.</u>	<u>Filing Date</u>
3800002.00074/4812B	12/008,659	01/11/08
3800002.00135/113	12/218,953	07/18/08
3800002.00136/113PC	PCT/US2008/008882	07/18/08
3800002.00144/117	12/288,887	10/24/08
3800002.00145/117PC	PCT/US2008/12061	10/24/08
3800002.00148/4819	12/319,640	01/09/09
3800002.00149/4819PC	PCT/US2009/00148	01/09/09
3800002.00155/4802G	12/462,074	07/28/09

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all information known by Applicant or Applicant's representative that may be material to the examination of the subject application, this Supplemental Information Disclosure Statement (sIDS) includes Office actions cited in related U.S. Patent Applications, and other documents:

- 1) Office Action, issued December 3, 2008, in connection with Israeli Patent Application No. 165350 (Attorney Docket No. 3800002.062/4804IL), which is a national stage filing of International Patent Application No. PCT/EP03/05907. The instant application is a national stage filing of International Patent Application No. PCT/EP03/05907.
- 2) Office Action, issued January 27, 2009, in connection with Japanese Patent Application No. 2004-511544 (Attorney Docket No. 3800002.065/4804JP), which is a national stage filing of International Patent Application No. PCT/EP03/05907. The instant application is a national stage filing of International Patent Application No. PCT/EP03/05907.
- 3) Office Action, issued March 30, 2009, in connection with Canadian Patent Application No. 2,488,227 (Attorney Docket No. 3800002.00057/4804CA), which is a national stage filing of International Patent Application No. PCT/EP03/05907. The instant application is a national stage filing of International Patent Application No. PCT/EP03/05907.

4) Office Action, issued June 26, 2009, in connection with Chinese Patent

Application No. 03812787.3 (Attorney Docket No. 3800002.00058/4804CN), which is a national stage filing of International Patent Application No. PCT/EP03/05907. The instant application is a national stage filing of International Patent Application No. PCT/EP03/05907.

The table below lists Documents 1-8 and includes a column that provides a space next to each document to be considered, for the Examiner's initials. The documents cited on the table below are in the English language. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary. This sIDS includes the application number of the application in which the sIDS is being submitted, a heading that clearly indicates the list is an Information Disclosure Statement, and copies of Documents 1-8. Therefore, this sIDS is in compliance with 37 CFR §§ 1.97, 1.98 and MPEP § 609 and Applicant respectfully requests that Examiner consider and initial all information listed in the table below.

Examiner Initial	Document No.	Document
	1	Official Action, issued December 3, 2008, in connection with Israeli Patent Application No. 165350.
	2	Official Action, issued January 27, 2009, in connection with Japanese Patent Application No. 2004-511544.
	3	Official Action, issued March 30, 2009, in connection with Canadian Patent Application No. 2,488,227.
	4	Official Action, issued June 26, 2009, in connection with Chinese Patent Application No. 03812787.3.
	5	Amato et al., "Luminous with Promise", Chem. Eng. News. 84(49):69-73 (2006).
	6	Loessner et al., "Remote control of tumour-targeted <i>Salmonella enterica</i> serovar <i>Typhimurium</i> by the use of L-arabinose as inducer of bacterial gene expression <i>in vivo</i> ", Cell. Microbiol. 9(6):1529-1537 (2007).
	7	Loessner et al., "Drug-inducible remote control of gene expression by probiotic <i>Escherichia coli</i> Nissle 1917 in intestine, tumor and gall bladder of mice", Microb. Infect. Published online: 7 August 2009.
	8	Westphal et al., "Containment of tumor-colonizing bacteria by host neutrophils", Cancer Res. 68(8):2952-2960.

Although these documents and information are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the documents or information, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a

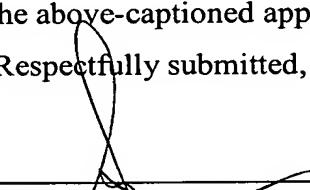
Applicant : Szalay et al.  
Serial No. : 10/516,785  
Filed : June 27, 2005

Attorney's Docket No.: 3800002.00055/ 4804US  
Supplemental Information Disclosure Statement

search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing documents and they be made of record in the file history of the above-captioned application.

Respectfully submitted,

  
Stephanie Seidman  
Reg. No. 33,779

Attorney's Docket No.: 3800002.00055/ 4804US

**Address all correspondence to: 77202**

Stephanie Seidman  
K&L Gates LLP  
3580 Carmel Mountain Road, Suite 200  
San Diego, California 92130  
Telephone: (858) 509-7410  
Facsimile: (858) 509-7460  
email: stephanie.seidman@klgates.com